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# SENATE BILL No. 361

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 14-8-2; IC 14-22.

**Synopsis:** Breeding and hunting wild animals. Amends animal breeder's license requirements. Removes swamp rabbits from the list of animals that do not require a breeder's license. Provides that game birds but not exotic mammals may be hunted at shooting preserves. Amends requirements to operate a shooting preserve. Amends prohibited hunting activities concerning game birds and exotic mammals to prohibit: (1) a person from shooting a confined animal; or (2) engaging in a transaction with a wild or exotic animal for the purpose of injuring or killing the animal for amusement or profit. Adds exceptions to prohibited activities. Repeals laws concerning: (1) penalty for importing a carnivore; and (2) adoption of prohibited hunting activity rules.

**Effective:** July 1, 2003.

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## Waterman

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January 16, 2003, read first time and referred to Committee on Natural Resources.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## SENATE BILL No. 361

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 14-8-2-87 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 87. "Exotic mammal",  
3 for purposes of IC 14-22, means: ~~a species that is:~~

- 4 (1) **an animal that is** not native to Indiana; ~~or~~  
5 (2) **a wild animal** extirpated from Indiana; ~~and either:~~  
6 ~~(A) a wild animal; or~~  
7 ~~(B) (3) a feral animal other than a dog or cat.~~

8 SECTION 2. IC 14-8-2-110 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 110. "Game animal"  
10 has the following meanings:

- 11 **(1) For purposes of IC 14-22-20 and IC 14-22-32, an animal**  
12 **that may be legally taken under this article and an exotic**  
13 **mammal that is not a carnivore.**  
14 ~~(1)~~ **(2)** For purposes of IC 14-22-37, the meaning set forth in  
15 IC 14-22-37-1.  
16 ~~(2)~~ **(3)** For purposes of IC 14-22-40, the meaning set forth in  
17 IC 14-22-40-4.



SECTION 3. IC 14-8-2-111 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 111. "Game bird" **has the following meanings:**

(1) For purposes of IC 14-22-8, ~~has~~ the meaning set forth in IC 14-22-8-2.

(2) **For purposes of IC 14-22-20 and IC 14-22-31, a bird that may be legally taken under this article.**

(3) **For purposes of IC 14-22-32, quail, pheasant, chukar, or Hungarian partridge.**

SECTION 4. IC 14-8-2-278 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 278. "Take" has the following meaning:

(1) For purposes of IC 14-22, except as provided in subdivision

(2):

(A) to kill, shoot, spear, gig, catch, trap, harm, harass, or pursue a wild animal or **an exotic animal; or**

(B) to attempt to engage in such conduct.

(2) For purposes of IC 14-22-34, the meaning set forth in IC 14-22-34-5.

SECTION 5. IC 14-22-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. The department may, under rules adopted under IC 4-22-2, issue to a resident of Indiana, upon the payment of a fee of fifteen dollars (\$15), a license to:

(1) propagate in captivity; and

(2) possess, buy, or sell; ~~for this purpose only;~~

~~game birds; game mammals; or furbearing mammals protected by Indiana law.~~ **animals.**

SECTION 6. IC 14-22-20-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. A license issued under this chapter authorizes the sale of **game animals and** nonmigratory game birds ~~game mammals; or furbearing mammals~~ for breeding purposes or for release and nonmigratory game birds for food purposes. A person who:

(1) acquires a ~~game bird; game mammal; or furbearing mammal~~ alive, legally in open season; or

(2) purchases the ~~bird or mammal~~ **animal** from a licensed game breeder;

may apply for a breeder's license within five (5) days after acquiring the animal from the licensed game breeder or within five (5) days after the last day of the open season for the animal. Otherwise, ~~the a game~~ **animal that is not an exotic mammal** shall be released.

SECTION 7. IC 14-22-20-3 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. ~~An~~ **A game** animal raised domestically by an out-of-state breeder may be imported into Indiana and sold for food purposes. A purchaser of such an animal raised domestically by an out-of-state breeder must be able to show legal proof of out-of-state origin for all **game** animals possessed.

SECTION 8. IC 14-22-20-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) This section applies to the following:

- (1) Marten.
- (2) Nutria.
- (3) Mink.
- (4) Chinchilla.
- (5) Domesticated rabbits, except cottontail.
- ~~(6) Swamp rabbits.~~

(b) The:

- (1) breeding, raising, and producing in captivity; and
- (2) marketing;

of an animal listed in subsection (a) is considered an agricultural pursuit. All animals so raised in captivity are considered domestic animals so that a game breeding license is not required to possess such an animal.

(c) A person engaged in the breeding, raising, and producing in captivity and marketing of the furbearing mammals listed in subsection (a) shall, upon request, do the following:

- (1) Register with the department.
- (2) Make annual reports concerning the number of animals held and sold. These reports are confidential.

SECTION 9. IC 14-22-31-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. A person who:

- (1) owns;
- (2) holds; or
- (3) controls by lease for a term of not less than five (5) years;

a contiguous tract of land containing an area of not less than one hundred (100) acres and not more than six hundred forty (640) acres, and who desires to establish a ~~license~~ shooting preserve must apply to the division for a license.

SECTION 10. IC 14-22-31-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. A shooting preserve may not be established within a distance of five (5) miles of a state owned game refuge or state public hunting ground. Duck shooting may not be permitted **on a shooting preserve** if wild duck, geese, or other migratory game birds frequent the area where the captive reared and



properly marked mallard ducks are to be held, released, and flighted for shooting.

SECTION 11. IC 14-22-31-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. Upon receipt of an application, the ~~department~~ **division** shall do the following:

(1) Inspect the following:

(A) The proposed shooting preserve.

(B) The facilities for ~~propagating~~ **housing** the game birds. ~~or exotic mammals.~~

~~(C) The cover.~~

~~(D)~~ (C) The capability of the applicant to maintain such an operation.

(2) If found feasible, approve the application and issue a license to the applicant.

SECTION 12. IC 14-22-31-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. Upon receipt of a license, the licensee shall post the ~~licensed area~~ **shooting preserve** at intervals of not more than five hundred (500) feet with signs to be prescribed by rule. The boundaries of the shooting preserve shall be clearly ~~defined by fences of at least one (+) strand of wire.~~ **marked.**

SECTION 13. IC 14-22-31-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. A person issued a license under section 4 of this chapter may propagate and offer for hunting ~~the following animals that are only~~ captive reared and released

~~(+)~~ pheasant, quail, chukar partridges, properly marked mallard ducks, and other game bird species that the department determines by rule.

~~(2) Species of exotic mammals that the department determines by rule.~~

SECTION 14. IC 14-22-31-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) A person may not take game birds ~~and exotic mammals~~ on a shooting preserve unless the person has a hunting license required under this article, except nonresidents of Indiana who must possess a special license to shoot on ~~licensed~~ shooting preserves.

(b) The department:

(1) shall issue special licenses; and

(2) may appoint owners or managers of shooting preserves as agents to sell special licenses.

(c) A special license expires December 31 of the year issued.

(d) The fee for a special license is eight dollars and seventy-five cents (\$8.75). All fees shall be deposited in the fish and wildlife fund.

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SECTION 15. IC 14-22-31-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. A person may take ~~wild animals~~ **game birds specified under section 7 of this chapter** from a shooting preserve only during September, October, November, December, January, February, March, or April.

SECTION 16. IC 14-22-31-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. The licensee of a shooting preserve shall issue a bill of sale designating game birds ~~or exotic mammals~~ lawfully taken upon the shooting preserve. The bill of sale must accompany all game birds ~~and exotic mammals~~ removed from the shooting preserve. The licensee shall retain a copy of all bills of sale issued to persons removing game birds ~~or exotic mammals~~ from the shooting preserve. **The copies of** the bills of sale are subject to inspection by the ~~fish and wildlife division~~ **department** at any time.

SECTION 17. IC 14-22-31-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) The licensee of a shooting preserve must keep a daily register to show the following:

(1) The number of ~~wild animals~~ **game birds** and the species released and taken from the shooting preserve each day.

(2) The number of hunters participating.

(b) An annual computation of the record:

(1) shall be sent to the ~~department~~ **division** on May 10 each year; and

(2) shall be filed under oath as to the number and species of ~~wild animals~~ **game birds** released and taken.

(c) Failure to keep and forward the records to the ~~department~~ **division** is sufficient cause for:

(1) revocation of the license for the shooting preserve; or

(2) refusal to issue a license for the following year.

SECTION 18. IC 14-22-31-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) The following must be available to the department for inspection:

(1) The daily records.

(2) The pens **where game birds are kept prior to release.**

(3) The ~~wild animals~~ **game birds.**

(4) The shooting preserves.

(b) An inspection of a shooting preserve shall be conducted under this chapter and rules adopted under IC 14-22-2-6. The department shall consult with the state veterinarian if the inspection reveals a potential animal health threat that contravenes programs for the prevention, control, or eradication of diseases in domestic animals.

SECTION 19. IC 14-22-31-13 IS AMENDED TO READ AS



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FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) A licensee may not falsify a report that must be kept under this chapter.

(b) A license may not be issued to a licensee who is convicted of violating subsection (a) or ~~IC 14-2-7-10(i) (repeated)~~: **IC 14-22-32.**

SECTION 20. IC 14-22-32-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. This chapter does not apply to the following:

(1) Conservation officers or other law enforcement officers.

(2) Game birds or ~~exotic mammals~~ in shooting preserves licensed under IC 14-22-31.

(3) A person who takes a feral ~~exotic mammal~~ **animal** when the feral ~~exotic mammal~~ **animal** is causing damage to property that is owned or leased **for agricultural purposes (as defined by IC 14-21-1-24(a)) or timber purposes** by the person.

(4) A person who is authorized by the department ~~under extraordinary circumstances~~ to take an ~~exotic mammal~~: **an animal.**

(5) **Animals in a field trial authorized under IC 14-22-24.**

(6) **Game animals on approved dog training grounds under rules adopted by the department under IC 4-22-2.**

(7) **Game birds purchased from a person, as allowed by a license issued under IC 14-22-20.**

(8) **Animals killed by a person, as authorized by a license issued under IC 14-22-20 or IC 14-22-31.**

(9) **Animals lawfully captured in a trap under this article.**

(10) **Fish and amphibians legally taken under this article.**

SECTION 21. IC 14-22-32-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. A person may not do any of the following:

(1) ~~Offer a game bird~~ **Kill or wound a wild animal or an exotic mammal for hunting, trapping, or chasing by a person using a weapon or device that is not a shotgun, muzzle loading gun, handgun, or bow and arrow: with a firearm or deadly weapon if the animal is tied, staked out, caged, or intentionally confined in an artificial enclosure regardless of the size of the enclosure.**

(2) ~~Hunt, trap, or chase a game bird~~ **Possess, transport, propagate, sell, purchase, or transfer a wild animal or an exotic mammal with a weapon or device that is not a shotgun, muzzle loading gun, handgun, or bow and arrow: for the purpose of injuring or killing the wild animal or exotic mammal for amusement, sport, or profit.**

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1 SECTION 22. IC 14-22-32-4 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. A person who  
3 violates ~~section 2(1) of~~ this chapter may not be issued a license under  
4 **IC 14-22-20 or** IC 14-22-31.

5 SECTION 23. IC 14-22-32-5 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. If a person violates  
7 section 2(1) of this chapter, the department shall enter a recommended  
8 order to dispose of any ~~game bird or exotic mammal~~ **animal** the person  
9 owns, keeps, harbors, or otherwise possesses. Before the order becomes  
10 a final determination of the department, a hearing must be held under  
11 IC 4-21.5-3. The hearing shall be conducted by an administrative law  
12 judge for the commission. The determination of the administrative law  
13 judge is a final agency action under IC 4-21.5-1-6.

14 SECTION 24. THE FOLLOWING ARE REPEALED [EFFECTIVE  
15 JULY 1, 2003]: IC 14-22-31-14; IC 14-22-32-6.

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